

107TH CONGRESS
1ST SESSION

S. 1342

To allocate H–1B visas for demonstration projects in rural America.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. DORGAN (for himself and Mr. STEVENS) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To allocate H–1B visas for demonstration projects in rural
America.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “21st Century Home-

5 steading Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) rural areas are suffering from—

9 (A) an out-migration of workers and loss

10 of population at a significantly higher rate than

11 the rest of the United States; and

1 (B) higher rates of poverty and unemploy-
2 ment than the rest of the United States;

3 (2) rural areas have not enjoyed the same
4 growth in the technology industry as other areas of
5 the United States;

6 (3) recruiting high-skilled workers to rural
7 areas has been particularly difficult; and

8 (4) in order to allow rural areas to participate
9 fully in the unprecedented economic prosperity of
10 the rest of the United States, high-skilled workers
11 have to be recruited specially to these areas of the
12 United States.

13 **SEC. 3. DEMONSTRATION PROJECTS FOR RURAL AMERICA.**

14 (a) ESTABLISHMENT OF PROGRAM.—

15 (1) COORDINATION OF USE OF H-1B FEES
16 WITH DEVELOPMENT OF HIGH-TECH JOBS.—There
17 is established a program under which the Secretary
18 of Agriculture shall conduct up to 6 demonstration
19 projects involving the employment of H-1B workers
20 in rural areas, which projects shall serve to coordi-
21 nate the use of employer-paid immigration fees with
22 the development of high-tech employment opportuni-
23 ties in those areas.

24 (2) GRANT AUTHORITY.—

1 (A) AUTHORIZATION.—Subject to the
2 availability of appropriations, the Secretary of
3 Agriculture is authorized to implement the pro-
4 gram established by paragraph (1) through the
5 award of grants to economic development plan-
6 ning districts in rural areas.

7 (B) APPLICATION PROCEDURES.—Each
8 economic development planning district desiring
9 a grant under this section shall submit an ap-
10 plication to the Secretary of Agriculture at such
11 time, in such manner, and accompanied by or
12 containing such information as the Secretary
13 shall reasonably require.

14 (C) CALCULATION OF GRANT AMOUNT.—
15 The amount of each grant awarded under this
16 paragraph to an economic development plan-
17 ning district in a fiscal year shall equal the
18 total amount of fees paid by employers under
19 section 214(c)(9) of the Immigration and Na-
20 tionality Act (8 U.S.C. 1184(c)(9)) in that fis-
21 cal year with respect to the employment in that
22 district of H-1B workers described in section
23 4(a).

24 (D) DESIGNATION OF GRANT APPLICANT
25 AND RECIPIENT.—For each economic develop-

1 ment planning district, the Secretary of Agri-
2 culture shall designate a single entity for pur-
3 poses of applying for and receiving grant funds
4 under this section.

5 (3) USES OF GRANT FUNDS.—Grants awarded
6 under paragraph (2) shall be available only for pro-
7 viding education, training, equipment, and infra-
8 structure in connection with the employment of H-
9 1B workers within that district.

10 (b) MEMORANDUM OF UNDERSTANDING.—For pur-
11 poses of eligibility for a demonstration project under the
12 program established by this section, the designated plan-
13 ning district may enter into a memorandum of under-
14 standing with 1 or more economic development planning
15 districts in an adjacent State.

16 (c) ECONOMIC DEVELOPMENT PLANNING DISTRICT
17 DEFINED.—In this section, the term “economic develop-
18 ment planning district” means an area designated by the
19 Secretary of Agriculture that meets following criteria:

20 (1) LOCATION OF DISTRICTS.—The district is
21 situated in a State that shares an international bor-
22 der with Canada.

23 (2) RESOLUTION OF SUPPORT.—The counties
24 or municipalities, or corporations established pursu-
25 ant to Public Law 92–203, as amended, that com-

prise the district have signed a resolution of support to bring high-tech development into the district.

(3) DECLARATION OF NEED.—The district has executed a declaration of need confirming that the district has experienced—

(A) an outmigration of at least 20 percent of its population over the past 30 years;

(B) unemployment rates or poverty rates that are substantially above the national average rate for unemployment or poverty, respectively; or

(C) has a population that is 10 percent or more Native American.

(4) PARTNERSHIP WITH INDUSTRY OR INSTITUTIONS OF HIGHER EDUCATION.—The district has established a partnership with industry, or an institution of higher education, to recruit high-skilled workers into the district.

(5) INCENTIVE PACKAGE.—The district has developed an incentive package for high-skilled workers, including job offers, and other financial benefits.

(6) TRAINING PROGRAM.—The district has established a training program for workers living in the district.

1 **SEC. 4. ALLOCATION OF H-1B VISAS.**

2 (a) IN GENERAL.—Effective October 1, 2001, of the
3 total number of aliens who may be issued visas or other-
4 wise provided nonimmigrant status under section
5 101(a)(15)(H)(i)(b) of the Immigration and Nationality
6 Act each fiscal year, not to exceed 12,000 aliens may be
7 issued H-1B visas or otherwise provided nonimmigrant
8 status under that section for employment in demonstra-
9 tion projects conducted under the program established by
10 section 3, of which number not to exceed 2,000 aliens may
11 be accorded such status for employment in any single dem-
12 onstration project conducted under that program.

13 (b) H-1B NONIMMIGRANT PETITION FEES.—

14 (1) ESTABLISHMENT OF ACCOUNT.—There is
15 established in the general fund of the Treasury of
16 the United States a separate account, which shall be
17 known as the “Twenty-first Century Homesteading
18 Account”.

19 (2) DEPOSIT OF FEES.—Notwithstanding sec-
20 tion 286(s) of the Immigration and Nationality Act
21 (8 U.S.C. 1356(s)), fees collected under section
22 214(c)(9) of that Act (8 U.S.C. 1184(c)(9)) with re-
23 spect to the employment of H-1B workers described
24 in subsection (a) shall be deposited as offsetting re-
25 ceipts into the account.

1 (3) USE OF FEES.—Fees deposited into the ac-
2 count shall remain available to the Secretary of Ag-
3 riculture until expended to carry out demonstration
4 projects conducted under the program established by
5 section 3.

6 **SEC. 5. STATUTORY CONSTRUCTION.**

7 Nothing in this Act shall supersede, amend, or repeal
8 the procedures under which an employer must file an ap-
9 plication with the Secretary of Labor for an H-1B visa
10 for a nonimmigrant in a specialty occupation.

11 **SEC. 6. DEFINITIONS.**

12 In this Act:

13 (1) H-1B VISA.—The term “H-1B visa”
14 means a visa issued under section
15 101(a)(15)(H)(i)(b) of the Immigration and Nation-
16 ality Act.

17 (2) H-1B WORKER.—The term “H-1B work-
18 er” means an alien who holds a valid H-1B visa or
19 who otherwise has been provided nonimmigrant sta-
20 tus under section 101(a)(15)(H)(i)(b) of the Immi-
21 gration and Nationality Act.

22 (3) INSTITUTION OF HIGHER EDUCATION.—The
23 term “institution of higher education” has the
24 meaning given the term in section 101(a) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1001(a))).

3 (4) NATIVE AMERICAN.—The term “Native
4 American” means—

5 (A) an Indian, as defined in section 4(d) of
6 the Indian Self-Determination and Education
7 Assistance Act (25 U.S.C. 450b(d)); and

8 (B) an Alaska Native, within the meaning
9 provided for the term “Native” in section 3(b)
10 of the Alaska Native Claims Settlement Act (43
11 U.S.C. 1602(b)).

12 (5) RURAL AREA.—The term “rural area”
13 means an area that is located—

14 (A) outside a standard metropolitan statis-
15 tical area; or

16 (B) within a community that has a popu-
17 lation of 50,000 individuals or fewer.

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